

OCT 21 2004 10:19 AM FR

TO 11858#562975003# P.01

Morgan, Lewis & Rockius LLP  
1111 Pennsylvania Avenue NW  
Washington, D.C. 20004  
Tel. 202.739.3000  
Fax. 202.739.3001  
[www.morganlewis.com](http://www.morganlewis.com)

**Morgan Lewis**  
COUNSELLORS AT LAW

RECEIVED  
CENTRAL FAX CENTER

OCT 21 2004

**FAX MESSAGE**

Send Name: Technology Center Customer Service FAX Number: (703) 872-9306  
To: Firm: United States Patent & Trademark Office Telephone Number: (703) 308-1202  
From: Michael S Tuscan Floor: 3 Operator Sending.  
Telephone Number: 202-739-5870 Time Sent: Date Sent: 10/21/04

Number of Pages (INCLUDING COVER PAGE): 10

**Note: THE INFORMATION CONTAINED IN THIS FAX MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE RECIPIENT(S) NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY CLIENT COMMUNICATION AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.**

Comments:

PATENT  
ATTORNEY DOCKET NO.: 056297-5003-21

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Stephen P.A. FODOR *et al.*

U.S. Patent Application No.: 10/694,541

Filed: October 28, 2003

For: ARRAYS FOR DETECTING NUCLEIC  
ACIDS

)  
) Group Art Unit: 1634

)  
) Examiner: Jeanine A. Goldberg

Please see PRELIMINARY AMENDMENT and TRANSMITTAL w/authorization to charge deposit account attached. These documents were inadvertently forwarded to Examiner Goldberg on 10/20/04.

Thank you for your attention to this matter.

THURSDAY, OCTOBER 21, 2004 - I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
FACSIMILE TRANSMITTED TO THE UNITED STATES PATENT AND TRADEMARK - TECHNOLOGY  
CENTER CUSTOMER SERVICE (703) 872 9306

PAGE 1/10 \* RCVD AT 10/21/2004 10:23:22 AM [Eastern Daylight Time] \* SVR:USPTO-EFXXRF-1/0 \* DNIS:8729306 \* CSID: \* DURATION (mm-ss):02:50

**BEST AVAILABLE COPY**

PATENT  
ATTORNEY DOCKET NO.: 056297-5003-21

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Stephen P.A. FODOR *et al.*

U.S. Patent Application No.: 10/694,541

Filed: October 28, 2003

For: ARRAYS FOR DETECTING NUCLEIC  
ACIDS

)  
)  
) Group Art Unit: 1634

)  
) Examiner: Jeanine A. Goldberg  
)  
)

RECEIVED  
CENTRAL FAX CENTER

OCT 21 2004

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Crystal Plaza Two, Lobby, Room 1D03  
Arlington, VA 22202

Sir:

PRELIMINARY AMENDMENT TRANSMITTAL FORM

- Transmitted herewith is a Preliminary Amendment.
- Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	30	minus	20	10	x \$18 each=	+ \$180.00
Independent Claims (37 C.F.R. §1.16(b))	2	minus	3	0	x \$86 each=	+ \$0.00
						\$290.00
[ ] First presentation of Multiple dependent claim(s)						+ \$0.00
SUB-TOTAL -						\$180.00
Reduction by 1/2 for filing by a small entity						- \$0.00
TOTAL FEE -						\$180.00

OCTOBER 20, 2004--I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE  
TRANSMITTED TO EXAMINER J. GOLDBERG, 571-273-0743 - GROUP ART UNIT: 1634

Signature

ATTORNEY DOCKET NO.: 056297-3003-21  
Application No.: 10/694,541  
Page 2

3. Fee Payment

☐ No fee is to be paid at this time.

☒ The Commissioner is hereby authorized to charge Deposit Account No. 50-0310 in the amount of \$180.00 for excess claims fee.

RECEIVED  
CENTRAL FAX CENTER

OCT 21 2004

4. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

*Robert Smyth* For

Robert Smyth

By:

RN = 50801

Michael S. Tuscan

Reg. No. 43,210

Dated: October 20, 2004

CUSTOMER NO. 000033522  
MORGAN, LEWIS & BOCKIUS LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Tel.: (202) 739-3000  
Fax: (202) 739-3001

PATENT  
ATTORNEY DOCKET NO.: 056297-5003-21

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Stephen P.A. FODOR *et al.*

U.S. Patent Application No.: 10/694,541

Filed: October 28, 2003

For: ARRAYS FOR DETECTING NUCLEIC  
ACIDS

)  
)  
) Group Art Unit: 1634  
)  
) Examiner: Jeanine A. Goldberg  
)  
)  
)


Commissioner of Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

PRELIMINARY AMENDMENT

Prior to the examination of the above-identified application on the merits, please  
amend the application as follows:

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 6 of this paper.

OCTOBER 20, 2004 - I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE  
TRANSMITTED TO EXAMINEE J. GOLDBERG, 571-273-0743 - GROUP ART UNIT: 1634  
  
Signature

1 WA/2779380.1

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☒ **FADED TEXT OR DRAWING**
- ☒ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☒ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**